

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WATER)	
SERVICE CORPORATION OF KENTUCKY)	CASE NO.
FOR A GENERAL ADJUSTMENT IN EXISTING)	2020-00160
RATES)	

ORDER

This matter arises on a petition filed on June 1, 2020, by Water Service Corporation of Kentucky (Water Service Kentucky), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for an indefinite period.

In support of its petition filed on June 1, 2020, Water Service Kentucky states that public disclosure of the designated materials contained in three exhibits sponsored by Shawn Elicegui (SME-3, SME-4, and SME-5) would result in competitive injury as it would reveal details of Water Service Kentucky's internal management strategies as it evaluates and plans its employee compensation structure, allocation of corporate costs, and allocation of business operating costs.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Water Service Kentucky's June 1, 2020 petition as SME-3 and SME-4 meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1). However, the designated materials described in Water Service Kentucky's June 1, 2020 petition as SME-5 is Corix's Cost Allocation Manual. As the petition was merely a blanket request for the entire manual,

with no specifics as to which elements would cause its competitors a competitive advantage pursuant to KRS 61.878(1)(c)(1), the Commission finds confidential protection should be denied. Furthermore, Water Service Kentucky redacted a table entitled “Allocation of Corporate Costs. Test Year Ending 3/31/2020” in its application as part of SME-5 Corix Cost Allocation Manual; however, Water Service Kentucky filed the same table in its response to Staff’s Data Request 1, Item 3. Water Service Kentucky provided the Excel spreadsheet supporting its pro forma financials and calculating its revenue. Tab “wp-o-Corporate Costs” has a redacted section in the application, but the workable, publicly accessible Excel spreadsheet is not redacted.

IT IS THEREFORE ORDERED that:

1. Water Service Kentucky’s June 1, 2020 petition for confidential protection is granted for SME-3 and SME-4.
2. The designated materials for SME-3 and SME-4 shall not be placed in the public record or made available for public inspection for an indefinite period, or until further Orders of this Commission.
3. Use of the designated materials for SME-3 and SME-4 in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Water Service Kentucky shall inform the Commission if the designated materials for SME-3 and SME-4 become publicly available or no longer qualify for confidential treatment.
5. If a nonparty to this proceeding requests to inspect the designated materials granted confidential treatment by this Order for SME-3 and SME-4 and the period during which the materials have been granted confidential treatment has not expired, Water

Service Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Water Service Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the designated materials for SME-3 and SME-4 available for inspection for 30 days from the date of service of an Order finding that the materials no longer qualify for confidential treatment in order to allow Water Service Kentucky to seek a remedy afforded by law.

7. Water Service Kentucky's motion for confidential protection for SME-5 Corix Cost Allocation Manual is denied.

8. The designated materials contained in SME-5 Corix Cost Allocation Manual are not exempt from public disclosure and shall be placed in the public record and made available for public inspection.

9. If Water Service Kentucky objects to the Commission's determination that the requested information not be granted confidential treatment, it must seek either rehearing pursuant to KRS 278.400 or judicial review of this Order pursuant to KRS 278.410. Failure to exercise either of these statutory rights will be deemed as agreement with the Commission's determination of which materials should be granted confidential treatment.

10. Within 30 days of the date of service of this Order, Water Service Kentucky shall file a revised version of SME-5 Corix Cost Allocation Manual for which confidential

treatment was denied, reflecting as unredacted the information that has been denied confidential treatment.

11. The material for which Water Service Kentucky's request for confidential treatment has been denied shall neither be placed in the public record nor made available for inspection for 30 days from the date of service of this Order in order to allow Water Service Kentucky to seek a remedy afforded by law.

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By the Commission



ATTEST:

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above a horizontal line.

Acting Executive Director

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